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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re M.R., A Person Coming Under the
Juvenile Court Law.

B211880

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. CK69731)

Plaintiff and Respondent,

v.

G.S.,

Defendant and Appellant.

APPEAL from the order of the Superior Court of Los Angeles County.

Jacqueline H. Lewis, Juvenile Referee. Affirmed.

Diana W. Prince, under appointment by the Court of Appeal, for Defendant and Appellant.

James M. Owens, Assistant County Counsel, and Timothy M. O’Crowley, Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

At the six-month review hearing, the juvenile court found G.S., the mother of M.R., had been provided with reasonable family reunification services. The court ordered further services but denied mother's request for unmonitored visitation. Mother appeals. Because there was sufficient evidence to justify the court's order, we affirm.

FACTS AND PROCEDURAL HISTORY

G.S. is the mother of M.R., born in September 2006. In August 2007, the Department of Children and Family Services (DCFS) removed M.R. from G.S.'s custody and filed a petition on his behalf. (Welf. & Inst. Code, § 300.) The petition, which was sustained in February 2008, alleged mother had "exhibited irrational and bizarre behaviors indicative of mental health issues," and endangered her son's well-being. Last year, we affirmed the dependency court's orders taking jurisdiction over M.R. The facts leading up to that jurisdiction are detailed in our prior opinion, which we will not restate here. (See *In re M.R.* (Nov. 25, 2008, B205841) [nonpub. opn.])

In January 2008, the social worker provided mother numerous referrals for her compliance with the court-ordered case plan, which included parenting classes and individual counseling. In February 2008, the social worker met with mother, who told the social worker that mother was enrolled in parenting classes and in an employment focus program. Mother also said she had enrolled in individual counseling and participated in one session. But she would not provide the social worker with the name of the agency or her therapist, and she would not sign a release of information form. Mother said therapy was of "secondary importance."

M.R.'s neurological exam indicated he had the features of Autism Spectrum Disorder. The foster mother reported that the child experienced extreme mood swings, and engaged in severe head-banging and aggressive behaviors such as ripping apart his mattress and breaking the bars in his crib. Mother attributed this behavior to allergies.

At the July 9, 2008 six-month review hearing, the court said it had been prepared to continue mother's reunification services, but it could not make the required findings

because she had still not signed a release of information form. The court stressed the importance of mother releasing her information, and continued the hearing.

About a week later, mother confirmed she had enrolled in individual counseling with Dr. Andrea Marcus of Didi Hirsch Community Mental Health. But mother refused to provide the social worker with a release of information form. Mother agreed to release a recent one-page letter by Dr. Marcus, but would not authorize the release of any further information. In her letter, Dr. Marcus indicated mother had been attending weekly counseling sessions since February 2008, with the exception of a few weeks. The focus of the counseling had been addressing her parenting skills, relationships with her husband and son, and adjusting to her current living situation. The social worker noted in her report that without a release of information, mother's progress could not be assessed.

At the continued six-month hearing, the juvenile court indicated it was "inclined to get [an Evidence Code section 730 psychological evaluation] to get a better understanding of what's going on" with the case, or to continue the hearing to allow mother's therapist to testify. Mother's counsel chose to have the therapist testify, although mother indicated to the court that she would submit to an evaluation. The hearing was again continued.

During a subsequent meeting with the social worker, mother expressed her dissatisfaction with DCFS services and insisted on speaking with the director of DCFS. Mother raised issues that had previously been addressed by DCFS. She did not appear to remember her previous visits regarding those issues. Mother became verbally aggressive with the social worker and supervisor. Security had to escort mother out of the office. According to the social worker, mother did not demonstrate she understood her son's special needs.

The six-month review hearing took place on October 28, 2008. Dr. Marcus testified that mother never told her she was ordered to complete therapy as part of a juvenile dependency proceeding. Had she known, she would have referred mother to her agency's child and family division. Dr. Marcus had approximately 14 sessions with mother from February to September 2008. She stated mother did not appear to have a

“severe debilitating mental illness such as major depression or schizophrenia,” but she did have adjustment disorder.

The court explained to Dr. Marcus that during court sessions mother’s statements did not seem to have a connection to reality. Dr. Marcus said she did not know how to compare what happens in therapy with what happens in court, but she had not observed similar behavior during her therapy sessions. While Dr. Marcus had not performed a psychological evaluation of mother, she agreed that based upon what she learned during the court hearing, an evaluation was a good idea.

Counsel for DCFS recommended that reunification services be continued and that mother undergo a psychological evaluation. Counsel submitted to the court on the issue of visitation. The child’s counsel also argued for continuation of reunification services and, based upon mother’s outbursts at DCFS’s offices, asked that visitation remain monitored. Mother’s counsel asked for *unmonitored* visitation and argued that reunification services had not been reasonable.

The juvenile court extended reunification services, ordered mother to undergo a psychological evaluation, and required visitation be monitored. The court said, “I still don’t have a good idea of what is going on this case.” The extension of services, including the evaluation, were important to “figure out what’s going on and re-adjust the case plan.”

Mother filed a timely appeal.

DISCUSSION

1. Reunification Services

Mother contends the juvenile court erred in finding she was offered reasonable reunification services because the individual counseling ordered by the court was ineffective. We disagree.¹

¹ We reject DCFS’s contention that mother’s appeal is barred because she was not prejudiced by the juvenile court’s finding that the offered services were reasonable. (See *In re Julie M.* (1999) 69 Cal.App.4th 41, 45-48 [mother properly challenged reasonable

The applicable standard of review is sufficiency of the evidence. (*Robert L. v. Superior Court* (1996) 45 Cal.App.4th 619, 625-626.) If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed. (*In re Precious J.* (1996) 42 Cal.App.4th 1463, 1472.) “The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.” (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.)

Substantial evidence demonstrates DCFS made a good faith effort to provide reunification services to mother and that the services were reasonable under the circumstances. The social worker immediately provided mother with numerous appropriate referrals and kept in constant contact with her. Even when mother said individual counseling was of “secondary importance,” the social worker stressed to her that participating in such counseling was vital.

If the counseling was ineffectual, it was because mother refused to cooperate with the social worker and failed to give Dr. Marcus important information. Mother started her counseling sessions in February 2008, but refused to tell the social worker the name of the person or agency providing the counseling. She also would not sign a release of information form. It was not until the end of July, after the six-month hearing was initially scheduled, that mother provided the social worker with a one-page report regarding her counseling sessions with Dr. Marcus. Even then, mother refused to sign a release and did not do so until sometime in the latter part of August. By that time, mother had been in counseling for almost seven months. Mother’s lack of cooperation no doubt prevented the social worker from properly evaluating mother’s progress in therapy, determining whether it was suited to the purposes of the case plan, and recommending the appropriate adjustments.

services finding in the context of an appeal from the order made at the six-month review hearing that mother had not made satisfactory progress and that this lack of progress required strictly limited visitation with the children].)

To make matters worse, mother apparently concealed from Dr. Marcus the very important fact that her counseling was part of a case plan ordered by the juvenile court. Dr. Marcus testified that she did not know about mother's dependency case and did not receive any of the case documentation until the latter part of August 2008. There can be little doubt that mother's therapy and progress was hindered because Dr. Marcus did not have all of the facts. Indeed, Dr. Marcus agreed that based upon the information she learned at the six-month hearing, she would recommend that mother undergo a psychological evaluation and would have done so earlier if mother had been forthcoming. Accordingly, if the court-ordered counseling was ineffectual, it was because of mother's conduct, not as a result of DCFS's failure to provide reasonable services.

2. Visitation

Mother also argues she was entitled to unmonitored visitation because she had been consistent in complying with the case plan. Again, we cannot agree.

Although parents have a right to visit their children, the juvenile court may place reasonable limitations upon visitation. (*Sara M. v. Superior Court* (2005) 36 Cal.4th 998, 1018.) A visitation order may not jeopardize the safety of the child. (*In re Luke L.* (1996) 44 Cal.App.4th 670, 679.) Visitation orders are reviewed for abuse of discretion. (*Los Angeles County Dept. of Children & Family Services v. Superior Court* (2006) 145 Cal.App.4th 692, 699.)

While we acknowledge mother's compliance with the case plan, the reason mother's visitation remained monitored was because she had not made substantive progress in individual counseling. A great part of the reason for the lack of progress was because mother's lack of disclosure kept Dr. Marcus from knowing the reason why she required therapy. Lack of information likewise prevented the social worker from assessing mother's individual counseling. The trial court reasonably could have concluded that mother's outburst at DCFS's offices made unmonitored visitation too risky.

We concluded in mother's prior appeal that she "had mental health problems that made her unable or unwilling to attend to [her son's] many special needs, therefore posing a substantial risk of harm to the boy's physical and emotional health." (*In re M.R.*, *supra*, B205841, at p. 8.) While mother has been consistent and appropriate in her visitation since the prior appeal, not much has changed concerning her mental health issues. Considering the seriousness of the child's medical issues and his special needs, the juvenile court was justified in keeping the visits monitored pending mother's psychological evaluation and further therapy aimed toward mother's specific needs. Accordingly, we find no abuse of discretion.

DISPOSITION

The dependency court's order finding mother was provided reasonable reunification services and maintaining monitored visitation is affirmed.

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RUBIN, ACTING P. J.

WE CONCUR:

FLIER, J.

BIGELOW, J.